

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/990,796	FOCKE ET AL.	
	Examiner	Art Unit	
	Thanh K. Truong	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to June 14, 2006.
2.  The allowed claim(s) is/are 1, 6, 21 and 22.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 4-21-06
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

Art Unit: 3721

**DETAILED ACTION**

1. This action is in response to applicant's amendment received on June 14, 2006.
2. Applicant's cancellation of claims 2-5, 7-20 and 23 is acknowledged.

**EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Laurence P. Colton on August 22, 2006.

The application has been amended as follows:

Claims 1, 6, 21 and 22 have been replaced as follows:

1. Process for producing cigarette packs (10) of the hinge-lid type with an outer wrapper made of film and with a tear-open strip (12) applied to the outer wrapper, comprising the steps of:
  - a) drawing a continuous film web (13) off of a reel (15), the continuous film web (13) having been provided with precisely positioned printed markings (25) thereon during production of the continuous film web (13), the continuous film web (13) also having decorative or informative printing thereon,
  - b) drawing a material strip (18) for producing the tear-open strip (12) off of a separate strip reel (19), the material strip (18) having been provided with precisely positioned printed markings (24) thereon during production of the material strip (18), the material strip (18) also having decorative or informative

printing thereon, and producing tear open strip (12) from said drawn material strip (18),

- c) feeding the tear-open strip (12) to the continuous film web (13) and applying the tear-open strip (12) to the continuous film web (13),
- d) sensing the printed markings (24) on the tear-open strip (12) by a printed-mark reader (26) after the tear-open strip (12) has been applied to the film web (13),
- e) sensing the printed markings (25) of the continuous film web (13) by another printed-mark reader (30) after the tear-open strip (12) has been applied to the continuous film web (13), and
- f) severing blanks (11) for the outer wrapper from the continuous film web (13) to which the tear-open strip (12) has been applied, wherein a severing cut for severing the blanks (11) with the tear-open strips (12) from the continuous film web (13) is controlled in accordance with both the detected printed markings (24) of the tear-open strip (12) and the detected printed markings (25) of the continuous film web (13).

6. (currently amended) Apparatus for producing cigarette packs (10) of the hinge-lid type with an outer wrapper made of film and with a tear-open strip (12) applied to the outer wrapper and likewise consisting of film, comprising:

- a) a strip reel (19) containing a material strip (18), a means for producing the tear-open strips (12) from said material strip (18), the material strip (18) having been provided with precisely positioned printing or markings (24) thereon during production of the tear-open strips (12), the material strip (18) also having decorative or informative printing thereon, the material strip (18) being held ready on the strip reel (19) for being drawn off along a path of movement,
- b) a reel (15) containing the continuous film web (13), the continuous film web (13) having been provided with precisely positioned printing marks (25) thereon during production of the continuous film web (13), the continuous film web (13) also having decorative or informative printing thereon, the continuous film web

(13) being held ready on the reel (15) for being drawn off of the reel (15) along the path of movement,

- c) a means for applying the tear-open strips (12) to the continuous film web (13) along the path of movement after the material strip (18) has been drawn off of the strip reel (19),
- d) a printed-mark reader (26) located in the region of the path of movement of the tear-open strips (12) applied to the continuous film web (13), wherein the printed-mark reader (26) senses the printed markings (24) of the tear-open strips (12),
- e) another printed mark reader (30) located in the region of the path of movement of the tear-open strip (12) applied to the continuous film web (13), wherein the another printed mark reader (30) senses the printed markings (25) of the continuous film web (13),
- f) an evaluation unit, connected to both the printed-mark reader (26) and the another printed mark reader (30), for evaluating the positions of the printed markings (24) on the tear-open strip (12) and the printed markings (25) on the continuous film web (13) sensed by the printed-mark readers,
- f) a means for severing the continuous film web (13) with the tear-open strips (12) applied thereto to form a blank (11) containing the tear-open strip (12), and
- g) drive elements for the material strip (18) and the continuous film web (13), whereby the drive elements are controlled by the printed-mark readers (26, 30) via the evaluation unit.

21. (currently amended) A process for producing cigarette packs (10) of the hinge-lid type with an outer wrapper made of film, comprising the steps of:

- a) providing a material strip (18) with precisely positioned printed markings (24) and decorative or informative printing thereon;
- b) providing a continuous film web (13) with precisely positioned printed markings (25) and decorative or informative printing thereon;

Art Unit: 3721

- c) feeding the material strips (18) to the continuous film web (13) along a path of movement and attaching the material strips (18) to the continuous film web (13) as tear-open strips (12);
- d) sensing the printed markings (24) of the tear-open strips (12) with a printed-mark reader (26);
- e) sensing the printed markings (25) of the continuous film web (13) with another printed-mark reader (30);
- f) controlling the positioning of a severing cut for severing individual blanks (11) comprising the tear-open strips (12) attached to the continuous film web (13) in accordance with the sensing of the printed markings (24) of the tear-open strips (12) and the printed markings (25) of the continuous film web (13); and then
- e) severing the individual blanks (11) from the continuous film web (13) having the tear-open strips (12) attached thereto for use as an outer wrapper based on the sensing of the printed markings (24) of the tear-open strips (12) and the printed markings (25) of the continuous film web (13), wherein the blanks (11) comprise a portion of the continuous film web (13) and the tear-open strip (12) and whereby the printed markings (24) of the tear-open strips (12) and the printed markings (25) of the continuous film web (13) are precisely positioned for severing the blank (11) from the continuous film web (13).

22. (currently amended) An apparatus for producing cigarette packs (10) of the hinge-lid type with an outer wrapper made of film, comprising:

- a) means for providing a material strip (18) with precisely positioned printed markings (24) and decorative or informative printing thereon and for producing tear-open strips (12);
- b) means for attaching the tear-open strips (12) to a continuous film web (13), the continuous film web (13) having precisely positioned printed markings (25) and decorative or informative printing thereon;
- c) a printed-mark reader (26), located proximal to a path of movement where the tear-open strips (12) are applied to the continuous film web (13), wherein the

printed-mark reader senses the printed markings (24) on the tear-open strips (12);

- d) another printed mark reader (30), located proximal to the path of movement where the tear-open strips (12) are applied to the continuous film web (13), wherein the another printed mark reader (30) senses the printed markings (25) of the continuous film web (13),
- e) an evaluation unit, connected to the printed-mark reader (26) and the another printed mark reader (30), for evaluating the sensed positions of the printed markings (24) on the tear-open strip (12) and the printed markings (25) on the continuous film web (13); and

- d) drive elements, which are controlled by the printed-mark reader (26) and the another printed mark reader (30) via the evaluation unit, for driving the continuous film web (13) so as to allow the severing of individual blanks (11) for the outer wrapper from the continuous film web (13) at a position based on the sensing of the printed markings (24) on the tear-open strips (12) and the printed markings (25) on the continuous film web (13), whereby the printed markings (24) of the tear-open strips (12) and the printed markings (25) on the continuous film web (13) are positioned in a precise position to the blank (11).

## REASONS FOR ALLOWANCE

- 4. The following is an examiner's statement of reasons for allowance:

A process and an apparatus for producing cigarette packs with an outer wrapper having tear-open strip applied to the out wrapper, the process and the apparatus comprising, among other things: a continuous film web for producing the out wrapper

with precisely positioned printed markings thereon, a material strip for producing the tear-open strip with precisely positioned printed markings thereon, feeding the material strip to the continuous film web and applying the tear-open strip to the continuous film web, sensing the printed markings on the continuous film web and on the tear-open strip by printed mark readers, and cutting the blank for the outer wrapper from the continuous film web to which the tear-open strip has been applied, wherein the cutting the blank is controlled in accordance with the detecting of the printed marks on the outer wrapper and on the tear-open strip, and wherein the reading of the printed mark by the sensors take place after the tear-open strip has been applied to the continuous film web. The combination as set forth in the claims are not disclosed, taught, or suggested in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

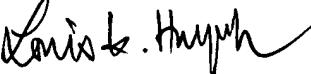
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3721

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tkt

August 22, 2006.

  
LOUIS K. HUYNH  
PRIMARY EXAMINER